



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

MAY 31 2016

**OFFICE OF
COMPLIANCE AND ENFORCEMENT**

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Gary Marquardt
Operator
Pristine Springs Fish Hatchery
P.O. Box 546
Buhl, Idaho 83316

Re: Pristine Springs Fish Hatchery – SeaPac of Idaho, Inc.
NPDES Permit Number IDG130018

Dear Mr. Marquardt:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the March 10, 2016, Clean Water Act (CWA) inspection of Pristine Springs Fish Hatchery ("Facility"). The purpose of the inspection, and subsequent administrative file review, which included Discharge Monitoring Reports (DMRs) submitted by the Facility, was to determine compliance with the requirements of the CWA and the National Pollution Discharge Elimination System (NPDES) general permit number IDG130018 ("Permit") for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of EPA's inspection and administrative file review. No effluent exceedance violations were found during the administratively file review.

ADMINISTRATIVE FILE REVIEW

Part V.B.1 of the Permit states, in part, "The permittee must submit reports monthly, postmarked by the 20th day of the following month."

During a review of administrative files from March 1, 2011 through April 1, 2016, EPA found the DMR for the October 2014 monitoring period was late. The Facility was required to postmark the October 2014 DMR by November 20, 2014 but EPA did not receive the report until March 2, 2015. In addition, the Facility did not report the "Phosphorus, total [as P]" parameter for the November 2012 monitoring period. These are violations of Part V.B.1 of the permit.

MARCH 2016 INSPECTION

1. Part I.C.2 of the Permit states, in part, "The information required to complete an NOI is listed in Appendix A of this permit."

Appendix A of the Permit provides a blank copy of an NOI to illustrate required components. Under the section heading Drugs, Disinfectants & Other Chemicals, the NOI states, "List all projected chemicals & maximum daily amounts expected to be used in next 5 years (use an attachment, if necessary)."

Part IV.A.1.b of the Permit states, "Records required. Records of all applications of drugs, pesticides, and other chemicals must be maintained and must, at a minimum, include information specified in Appendix G. This information must also be summarized in the annual report as required in Part IV.D below."

At the time of the inspection, the inspector noted that the Notice of Intent (NOI) on-file did not list all chemicals used at the Facility. In addition, the 2015 Annual Report of Operations maintained on-site did not include chemical usage information. These are violations of Parts I.C.2 and IV.A.1.b of the Permit.

2. Part II.B.2.e of the Permit states, "The permittee must not discharge to waters of the U.S. any floating, suspended or submerged matter, including dead fish, in amounts causing nuisance or objectionable condition or that may impair designated beneficial uses in the receiving water."

At the time of the inspection, the inspector observed dead fish at the hydropower plant. Though it was unclear from where the dead fish at the hydropower plant originated, the inspector believed that it was possible the fish mortalities could discharge from the outfall. This is a violation of Part II.B.2.e of the Permit.

3. Part II.D.3, Table 12, Footnote 20 of the Permit states, "Temperature monitoring is only required for discharges from warm-water facilities."

At the time of the inspection, the inspector reviewed DMRs from January 2015 through January 2016. He noted that the Facility did not report effluent temperatures on the DMRs. Since the Facility raises tilapia, a warm-water species, it is required to conduct effluent temperature monitoring. Failure to monitor and report effluent temperature are violations of Part II.D.3, Table 12, Footnote 20 of the Permit.

4. Part II.F of the Permit states, in part, "The permittee must develop a quality assurance (QA) plan for all monitoring required by this permit."

Part II.F.3 of the Permit states, in part, "At a minimum, the QA Plan must include the following:

- a) Details on the number of samples, type of sample containers, preservation of samples including temperature requirements, holding times, analytical methods, analytical detection and quantification limits for each parameter, type and number of quality assurance field samples,

precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.

- c) Maps indicating the location of each sampling point, including receiving water sampling locations and justification for the choice of the sampling location. The location of the small discharges that comprise less than 1% of the total raceway flows must also be included."

Part II.F.4 of the Permit states, "The permittee must amend the QA Plan whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QA Plan and must update it whenever there is a change in ownership or operator."

At the time of the inspection, the inspector noted that the QA Plan on-file at the Facility was outdated. The previous Facility manager signed the plan in 2009. The plan on-file also contained outdated details about receiving water sampling and influent flow protocol. The QA plan did not contain maps illustrating sampling locations. These are violations of Parts II.F.3 and II.F.4 of the Permit.

5. Part III.C of the Permit states, "A permittee must certify that a BMP Plan has been developed and is being implemented, and must submit the certification, which includes the information specified in Appendix F, to EPA and to the responsible IDEQ office (§I.C.1, above). An existing permittee must submit the certification within 90 days of the effective date of this permit. A new permittee must submit the certification with the written Notice of Intent to be covered under this permit."

At the time of the inspection, the inspector noted that a Facility representative did not sign or certify the Best Management Practices (BMP) plan on-file. The plan contained an outdated certification letter signed by the previous Facility manager in 2008. The plan also contained outdated information including the storage location of chemicals and the usage of copper sulfate as a treatment BMP. These are violations of Part III.C of the Permit.

6. Part III.E.4.c of the Permit states, "Procedures must be implemented to prevent fish from entering quiescent zones, full-flow and off-line settling basins. Fish which have entered quiescent zones or basins must be removed as soon as practicable."

At the time of the inspection, the inspector observed fish in the quiescent zones of the A, B, C, I, J, K, and tilapia raceways, as well as, in the concrete box at the off-line settling basin (OLSB) next to the tilapia raceways. These are violations of Part III.E.4 of the Permit.

7. Part V.F of the Permit states, in part, "The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the Notice of Intent for this permit, for a period of at least five years from the date of the sample, measurement, report or Notice of Intent submittal."

At the time of the inspection, the inspector noted that chain-of-custody documentation was missing for January through June, August, November, and December of 2015. These are violations of Part V.F of the Permit.

AREA OF CONCERN

1. Part III.E.2.b of the permit states, "Regularly conduct maintenance of rearing and holding units and waste collection and containment systems to ensure their proper function."

At the time of the inspection, the inspector observed a large quantity of solids built up in quiescent zones at the I, J, and K raceways. It is unclear if the Facility cleaned the quiescent zones on a schedule that would promote proper functioning of the system.

2. Part V.C of the Permit states, "Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 C.F.R. §136."

Table II of 40 C.F.R §136.3 lists the specific preservation temperatures for the various effluent components. With few exceptions, the standard preservation temperature is between 4° and 6° Celsius.

At the time of the inspection, the inspector noted that the chain-of-custody documents did not record the sample temperature upon arrival at the testing laboratory. Without recording the sample temperatures, it is impossible to verify that the samples received by the lab were still viable and capable of producing an accurate reading of the effluent components. The temperature must be recorded to demonstrate that the sample is kept at the preservation temperatures listed in 40 C.F.R §136.

3. Part II.D.3, Table 12, Footnote 15 of the Permit states, "Flow measurement must be taken concurrently with each pollutant sampling, when applicable, once for every composite sample; it may be taken on either the influent or effluent as long as the measurement at that location accurately reflects the discharge flow to the receiving water."

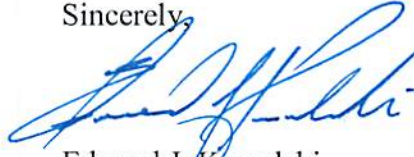
At the time of inspection, Facility representatives told the inspector that the flow reported by the Facility was the sum of readings from an electronic flow meter at the influent of Blue Lakes, an electronic flow meter at the influent of the geothermal well, a crested weir at the Sunny Brook Springs hatchery influent, and a crested weir used to measure the Alpheus creek water delivered by pipe to the ABC raceways. It is unclear whether a reading of the flow rate at the influent to Blue Lakes is as accurate as a flow rate measurement taken at the main canal entering Pristine Springs.

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure A).

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to act appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure B). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosure

cc: Mr. Stephen Berry
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Mr. David Anderson
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Mr. Lucas Porter
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